

## Message Text

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11

ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07

FRB-01 INR-07 NSAE-00 CIEP-02 SP-02 STR-04 TRSE-00

LAB-04 SIL-01 SAM-01 OMB-01 L-03 /052 W

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R 151810Z JAN 76

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 5839

INFO AMEMBASSY COPENHAGEN

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY DUBLIN

AMEMBASSY ROME

AMEMBASSY LUXEMBOURG

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

USMISSION EC BRUSSELS

UNCLAS BRUSSELS 00425

E.O. 11652: N/A

TAGS: BEXP,ETRD,EEC,BE

SUBJECT: BELGIAN MEASURES AFFECTING U.S. ORIGIN LABORATORY INSTRUMENTS

1. SUMMARY: BELGIAN IMPLEMENTATION OF NEW EEC REGULATION CONTROLLING DUTY FREE ENTRY OF LABORATORY INSTRUMENTS COULD IMPEDE U.S. SALES THOSE ITEMS. U.S. IS VIRTUALLY ONLY EXPORTING COUNTRY LIKELY TO BE AFFECTED BY REGULATION 1798/75. EMBASSY IS BRINGING ISSUE TO ATTENTION BELGIAN AUTHORITIES AND IS URGING MODERATION IN ENFORCEMENT OF REGULATION. END SUMMARY.

2. ON JULY 10, 1975 EEC COUNCIL APPROVED REGULATION 1798/75 ON FREE IMPORTATION OF EDUCATIONAL, SCIENTIFIC INSTRUMENTS AND APPARATUS CAN ONLY BE GRANTED DUTY FREE ADMISSION TO EEC COUNTRIES ON CONDITION THAT INSTRUMENTS OR APPARATUS OF QUOTE EQUIVALENT SCIENTIFIC VALUE ARE NOT AVAILABLE  
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ANYWHERE IN THE COMMUNITY....UNQUOTE THIS REGULATION

CAME IN TO FORCE ON JANUARY 1, 1976.

3. IN BELGIUM,SCIENTIFIC INSTRUMENTS AND APPARATUS IMPORTED EXCLUSIVELY FOR TEACHING PURPOSES AND RESEARCH HAVE BEEN ADMITTED DUTY FREE BY CUSTOMS REGULATIONS.

THREE INSTITUTIONS WERE AND ARE QUALIFIED TO CERTIFY AS TO PURPOSE OF INSTRUMENT OR APPARATUS IMPORTED, I.E QUOTE FOND NATIONALE DE LA RECHERCHE SCIENTIFIQUE (FNRS) UNQUOTE,QUOTE L'INSTITUT POUR L' ENCOURAGEMENT DE LA RECHERCHE SCIENTIFIQUE DANS L'INDUSTRIE ET L'AGRICULTURE (IRSIA) UNQUOTE,AND QUOTE LE CENTRE INTERUNIVERSITAIRE DE RECHERCHES NUCLEAIRES.UNQUOTE ONE OF PRINCIPAL BENEFICIARIES OF THIS REGULATION HAS BEEN U.S. MARKET WHICH IS MAJOR SUPPLIER OF ADVANCED SCIENTIFIC APPARATUS BELGIAN IMPORTS OF LABORATORY INSTRUMENTS IN 1974 TOTALED ESTIMATED DOLS 20,400,000 OF WHICH ABOUT 11 PERCENT IS IMPORTED FROM U.S ONLY WEST GERMANY AND THE NETHERLANDS EXPORT MORE TO BELGIUM.

4. TO IMPLEMENT EEC REGULATION 1798/75 BELGIAN MINISTRY OF FINANCE ISSUED NEW CUSTOMS DIRECTIVE (SUPPLEMENT 42, 314/26 - 314/32) WHICH NOW REQUIRES IMPORTER SEEKING TO IMPORT INSTRUMENTS OR APPARATUS TO INCLUDE WITH REQUEST FOR CUSTOMS-FREE ADMISSION FOLLOWING INFO: NAME ADN ADDRESS OF EEC FIRMS TO WHOM REQUESTS HAVE BEEN MADE TO SUPPLY INSTRUMENTS OR APPARATUS OF EQUIVALENT SCIENTIFIC VALUE TO THAT INSTRUMENT OR APPARATUS FOR WHICH IMPORT ENTRY IS ASKED,RESULTS OF THESE REQUESTS AND REASONS WHY INSTRUMENTS OR APPARATUS AVAILABLE IN COMMUNITY ARE NOT APPROPRIATE FOR PARTICULAR RESEARCH UNDER WAY. FURTHERMORE,ONLY CENTRAL BUREAU OF CUSTOMS CAN WAIVE IMPORT DUTIES FOR VALUES GREATER THAN BF 100,000.

5. DIRECTOR OF ONE IMPORTING COMPANY (JINCKHEERE OF ANALIS, S.A..) EXPRESSED CONCERN OVER DIFFICULTIES HE FORESAW WITH IMPLEMENTATION OF CUSTOMS REGULATIONS. HE CLAIMED THAT ABOUT DOLS 1 MILLION OF U.S INSTRUMENT IMPORTS BY HIS FIRM WOULD BE AFFECTED SINCE U.S WAS MAIN SOURCE OF HIGHLY SOPHISTICATED APPARATUS NEEDED BY TAX EXEMPT UNIVERSITIES AND INSTITUTIONS.

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6. COMMENT CONSIDERING THAT QUOTE LABORATORY INSTRUMENTS UNQUOTE IS MAJOR TARGET INDUSTRY AND ONE OF SIX PRODUCT CAMPAIGNS IN BELGIAN COUNTRY COMMERCIAL PROGRAM,NEW COMMUNITY REGULATION AND IN PARTICULAR ITS STRICT ENFORCEMENT MAY BE HARMFUL TO OUR COMMERCIAL INTEREST APPLICATION OF THIS REGULATION COULD BE PREJUDICIAL TO EXISTING TRADE PATTERNS AND U.S., BEING PRINCIPAL SUPPLIER OF ADVANCED SOPHISTICATED APPARATUS AND INSTRUMENTS OUTSIDE OF EEC,WOULD BE PRINCIPAL PARTY (IF NOT SOLE

PARTY) ADVERSELY AFFECTED IF APPLICATION OF REGULATION 1798/75 STRICTLY ENFORCED RESEARCH INSTITUTIONS WHICH ARE IMPORTERS OF U.S APPARATUS WILL BE REQUIRED TO JUSTIFY THEIR REQUIREMENTS IN ORDER TO OBTAIN PREVIOUSLY WELL-ESTABLISHED CUSTOMS-FREE ENTRY FOR IMPORTS. IN OUR DISCUSSION WITH MR WALTER ISTER, CUSTOMS DIRECTOR OF MINISTRY OF FINANCE, WE WERE INFORMED THAT FOR THE TIME BEING THESE INSTRUMENTS WILL CONTINUE TO BE ADMITTED DUTY FREE AS LONG AS IMPORTING INSTITUTION PROMISES TO PAY CUSTOMS DUTIES IF EEC COMMITTEE (ARTICLE 7 OF 1798/75) DETERMINES THAT THESE INSTRUMENTS OR APPARATUS OF EQUIVALENT SCIENTIFIC VALUE ARE AVAILABLE WITHIN THE COMMUNITY.

7. ACTION REQUESTED EMBASSY WOULD LIKE TO KNOW IF INDUSTRY HAS APPROACHED WASHINGTON AGENCIES ON THIS EC REGULATION AND, IF SO, WASHINGTON'S RESPONSE. WE WOULD ALSO BE INTERESTED IN LEARNING WHETHER OTHER EC COUNTRIES ARE IMPLEMENTING THIS REGULATION AND WHETHER ENFORCEMENT MAY POSE PROBLEM FOR U.S COMMERCIAL INTERESTS IN OTHER COUNTRIES.

8. EMBASSY FURNISHING COPY OF REGULATION 1798/75 AND BELGIAN AMENDED CUSTOMS REGULATIONS TO DEPARTMENT (EUR/WE, RPE AND EB/ITP) AND COMMERCE (OFFICE OF INTERNATIONAL TRADE POLICY).  
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**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LABORATORY EQUIPMENT, IMPORT CONTROLS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 15 JAN 1976  
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**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
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**Disposition Comment:**  
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**TAGS:** BEXP, ETRD, BE, EEC  
**To:** STATE  
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